

RHODE ISLAND DEPARTMENT OF LABOR & TRAINING

DIVISION OF PROFESSIONAL REGULATION

BOARD OF EXAMINERS OF ELECTRICIANS

1511 Pontiac Avenue, Bldg 70, 2nd Floor Conference Room

Cranston, RI 02920

WEDNESDAY, October 17, 2012

9:30am

In attendance:

Frank Benell, Jr.

Keith Burlingame

Michael Daley

Stanley Davies

William Lepore, Jr., Chair

Robert Zuba

Also in attendance were Glenn Dusablon, Chief Electrical Investigator; and Benjamin Copple, Legal Counsel.

1.) Call to Order: William Lepore, Jr, Chairperson, called the meeting to order at 9:34am.

2.) Approval of Minutes: Stanley Davies made a motion to accept the minutes of the previous meeting of September 19, 2012, as written; seconded by Frank Benell, Jr. and passed unanimously by the Board.

3.) Conflict of Interest – Benjamin Copple reminded the board they are subject to the Ethics Commissions Code of Ethics. If there is a conflict of interest board members should recuse themselves

4.) Violation Appeal Hearings:

MGA Employee Services, Marc A. Wichansky, President (Violation 4276): Glenn Dusablon informed the Board that Mike Kraft, attorney for MGA Employee Services informed him that they have decided to pay the fine and the check is in the mail.

Christopher Salzer (Viol 4330): Attorney Mark Charleson represents Christopher Salzer. Christopher Salzer; Robert Gaj, Chief Licensing Examiner; and Glenn Dusablon, Chief Electrical Investigator, are sworn in for testimony. Glenn Dusablon reads the violation .

Violation 4330; 8/8/12

Name of Violator: Christopher Salzer, A-004298; 3 Canton St, Bradford, RI 02808-1309

Violation RIGL 5-6-23 "Certificates not transferable" - Mr. Christopher Salzer, License # A-004298 and B-012757, of 3 Canton Street, Bradford, RI 02808-1309, violated RIGL 5-6-23 when he transferred his A-004298 electrical contracting license to obtain an electrical permit

for his employer, James J. Lanouette DBA J JL Electric, of Deep River, CT, with the City of Warwick for an electrical installation at the Rite Aid Store located at 1074 Bald Hill Rd. in Warwick RI. 1 violation of RIGL 5-6-23.

Violation RIGL 5-6-13 "Journeyman and apprentice person restricted to work as employee of licensee"- Mr. Salzer holds a journeyman's license, B-012757, which he was using on site. However, Mr. Salzer's employer J JL Electric of, Deep River, CT, does not hold a RI "A" or "AC" license to employ journeymen. 1 violation of RIGL 5-6-13.

Violation RIGL 5-6-2 "Work for which license required" - Mr. Salzer had an unlicensed employee of J JL Electric, Nathaniel Tomkiewicz, of New Bedford, MA, installing electrical apparatus on site under an electrical permit obtained by Mr. Salzer. 1 violation of RIGL 5-6-2.

Mr. Salzer has 3 violations of RIGL 5-6.

Violation to be heard by the Board of Examiners of Electricians on September, 19 2012.

Investigation by Glenn Dusablon, Chief Electrical Investigator, from permit application obtained from the City of Warwick electrical inspector, photos and field investigation by Robert Gaj, Chief Telecommunication Investigator.

Mr. Dusablon also read a letter that accompanied the violation from Joseph Degnan, Assistant Director.

The Board questions Glenn Dusablon.

Board member, Robert Zuba, recused himself from this matter.

Robert Gaj, Chief Licensing Examiner, provides testimony. Glenn Dusablon enters a packet of nine (9) photographs as Exhibit 1. The Board then questions Mr. Gaj. Attorney Charleson questions Mr. Gaj.

Attorney Charleson addressed the Board. Mr. Dusablon addressed the Board. The Board addressed Attorney Charleson.

Stanley Davies made a motion that Violation # 4330 did occur based on information presented; seconded by Michael Daley. There is a discussion. The motion was passed unanimously by the Board. Board member, Robert Zuba, previously recused.

Micheal Daley made a motion to uphold the penalty of \$1,500.00 per RIGL 5-6-32; seconded by Frank Benell, Jr. and passed unanimously by the Board. Board member, Robert Zuba, previously recused.

Michael Daley made a motion to suspend Christopher Salzer's "A" license (A-004298) for 90 days; seconded by Frank Benell, Jr. and passed unanimously by the Board. Board member, Robert Zuba,

previously recused.

The recommendation will be forwarded to the Director.

Timmy Septelka (Viol 4361): Timmy Septelka and Glenn Dusablon are sworn in for testimony. Mr. Dusablon reads the violation.

Violation 4361; 8/28/2012

Name of Violator: Timmy Septelka (expired license AF-09155, BF-09946) DBA A&K Safety, PO Box 9613, Warwick, RI 02889

Location of Violation: 719 Bald Hill Rd, Warwick, RI

Violation: Rhode Island General Law 5-6-2 "Work for which license required" Mr. Septelka DBA A&K Safety bid, solicited, advertised and performed a fire alarm electrical installation at 719 Bald Hill Rd Warwick without valid RI electrical licenses. Mr. Septelka's licenses were expired on 9-30-2011. This is 2 violations.

Violaiton: RIGL 5-6-25 "Failure to comply with the rules and requirements of city town or state" Mr. Septelka failed to obtain an electrical permit from the City of Warwick, RI. This is one violation of 5-6-25.

On 8-27-2012, Chief Electrical Investigator, Glenn Dusablon conducted the investigation.

Glenn Dusablon provides testimony and as questioned by the Board.

Board member, Robert Zuba, recused himself from the matter.

Timmy Septelka waives counsel and addressed the Board. The Board questions Mr. Septelka.

Stanley Davies made a motion based on information presented and investigation that Violation 4361 did occur; seconded by Michael Daley and passed unanimously by the Board. Board member, Robert Zuba, previously recused.

Michael Daley made a motion to uphold the fine of \$1,500.00 per RIGL 5-6-32 for Violation 4361; seconded by Stanley Davies and passed unanimously by the Board. Board member, Robert Zuba, previously recused.

The recommendation will be forwarded to the Director.

Timmy Septelka (Viol 4363): Board member, Robert Zuba, recused from this matter. Parties previously sworn. Glenn Dusablon reads a letter from Joseph Degnan that accompanied the violation. Violation 4363 is as follows:

Violation 4363; 8/28/2012

Name of Violator: Timmy Septelka (expired license AF-09155, BF-09946) DBA A&K Safety, PO Box 9613, Warwick, RI 02889

Location of Violation: 719 Bald Hill Rd., Warwick, RI

Violation: Rhode Island General Law 5-6-23 "Certificates not transferable" Mr. Timmy Septelka, expired licenses # AF-09155 and BF-09946, violated RIGL §5-6-23 by using the electrical contracting license of one Michael Peluso, A-003991, to obtain a electrical fire alarm permit from the City of Warwick, Rhode Island for work at 719 Bald Hill Rd Warwick, RI and then transferred Mr. Peluso's "A" license to obtain an electrical permit and install the electrical fire alarm installation at said location.

Violation to be heard by the Board of Examiners of Electricians on September 19, 2012 at 9:30am at the Rhode Island Department of Labor & Training, Division of Professional Regulations, 1511 Pontiac Avenue, Cranston, RI, 02920 - Bldg 70, 2nd Floor Conference Room.

On 8-27-2012, Chief Electrical Investigator, Glenn Dusablon, conducted the investigation.

The Board questions Mr. Dusablon. Keith Burlingame asks Mr. Dusablon if the facts from Violation 4361 apply to this violation, #4363. Mr. Dusablon confirms.

Mr. Septelka's licenses are currently expired pending payment of

outstanding Prevailing Wage fines.

There is a discussion.

Based on evidence presented supports a violation of RIGL 5-6-23, “Certificate not transferrable” by admissions from the respondent himself that the permit was pulled by another individual and the reasons given were found to be not credible; based on testimony at today’s proceedings and the testimony of Mr. Dusablon Keith, Burlingame made a motion that a violation did occur. The motion is seconded by Michael Daley. The motion was passed unanimously by the board. Board member, Robert Zuba, previously recused.

Michael Daley made a motion to uphold the fine of \$500.00 per RIGL 5-6-32 and the 90 day suspension of Mr. Septelka’s AF license for Violation 4363. The motion was seconded by Frank Benell, Jr. There is a discussion of fines. Michael Daley withdrew his motion.

A new motion is made. Michael Daley made a motion that the fine of \$500.00 per RIGL 5-6-32 be upheld and the 90 day suspension of Mr. Septelka’s “AF” license (AF-09155) contingent upon payment of the Prevailing Wage fines that are currently pending against the defendant. The 90 day suspension will start upon payment of those Prevailing Wage fines. The motion was seconded by Stanley Davies. The motion passed unanimously. Board member, Robert Zuba, previously recused.

The recommendation will be forwarded to the Director.

End of hearings.

5.) Review of RIGL 5-6 for consideration of legislative changes: There is a discussion of RIGL 5-6. Topics include: adding the word “maintenance” to the law; Out of state applicants for testing should mirror apprentice requirements in RI and add to the law “out of state applicant must have met the minimum requirements of the RI JATC”; correcting the Building Commission being responsible for 15 Hour Continuing Education; Fire Code;

6.) 15 Hour Continuing Education: Robert Zuba is waiting to hear from New Hampshire. Glenn Dusablon reiterates that Massachusetts is now accepting certificates from RI providers. Under our law if they accept ours we will accept theirs.

**** As a point of information. Keith Burlingame informed the Board that the Fire Board has had their final hearing on the new Fire Code. It now goes to the Secretary of State to be recorded. On November 20, 2012 will be open for public comment and is scheduled to be voted on December 4, 2012 with an effective date of 1/1/13. The testing questions for licensure may need to be revised.**

8.) Adjournment: A motion to adjourn was made by Stan Davies and seconded by Robert Zuba and passed unanimously by the Board. The meeting adjourned at 10:50am.